

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN W. RALSTON, JR.,)	
Petitioner,)	
)	
vs.)	Civil Action No. 12-762
)	Judge Nora Barry Fischer
D.O.C. PA.; SUPERINTEND WINGARD;)	Magistrate Judge Maureen P. Kelly
THE ATTORNEY GENERAL OF)	
PENNSYLVANIA,)	
Respondents.)	

ORDER

AND NOW, this 14th day of June, 2013, after the Petitioner, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until May 31, 2013, to file written objections thereto, and no objections having been filed and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Respondents' Motion to Dismiss is granted;

IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus by a Person in State Custody (the "Petitioner"), filed pursuant to 28 U.S.C. § 2254, is dismissed because it is a second or successive petition, and, as such, this Court lacks jurisdiction over the Petition.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as

provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

s/Nora Barry Fischer
NORA BARRY FISCHER
United States District Judge

cc: Honorable Maureen P. Kelly
United States Magistrate Judge

John W. Ralston, Jr.
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All Counsel of Record by electronic filing